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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/872,693

06/01/2001

Jack A. Wiens

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25696

7590

09/25/2002

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EXAMINER

SUN, XIUQUIN

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,693

Applicant(s)

WIENS, JACK A. *MC*

Examiner

Xiuqin Sun

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Burns (U.S. Pat. No. RE36510).

Burns teaches a method and system for passively operating and monitoring the service of a vehicle during distribution of fluid products thereto (see abstract; col. 1, lines 13-24; col. 7, lines 62-67 and col. 8, lines 1-5), comprising the steps and means of: (a) obtaining or providing a first set of data associated with a particular vehicle port to be serviced (Fig. 1; col. 6, lines 13-28, lines 38-67; col. 8, lines 61-67 and col. 9, lines 1-13); (b) determining whether or not said first set of data identifies a particular port intended to be serviced and generating a signal commensurate therewith (Fig. 1; col. 8, lines 61-67; col. 9, lines 1-13 and col. 10, lines 58-67); (c) obtaining or generating a second set of data associated with distribution of a product to the selected port (col. 7, lines 12-45 and col. 12, lines 5-31); and (d) logging the signal, the first set of data and the second set of data (col. 7, lines 62-67; col. 8, lines 1-5 and col. 12, lines 40-56).

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Burns also teaches a computer program embodied on a computer readable medium for passively monitoring the servicing of a vehicle during distribution of fluid products thereto (see Fig. 1; col. 5, lines 56-67 and col. 6, lines 1-13), comprising: (a) a code segment that causes a first set of data, associated with a particular vehicle port to be serviced, to be obtained (col. 5, lines 56-67 and col. 6, lines 1-13 and col. 9, lines 37-67); (b) a code segment that causes a determination of whether or not said first set of data identifies a particular port intended to be serviced and that causes a signal to be generated commensurate therewith (Fig. 1; col. 8, lines 61-67; col. 9, lines 1-13; col. 10, lines 13-15 and lines 58-67); (c) a code segment that causes a second set of data, associated with distribution of a product to the selected port, to be obtained (Fig. 1; col. 7, lines 12-45 and col. 12, lines 5-31); and (d) a code segment that causes the signal, the first set of data and the second set of data to be logged (Fig. 1; col. 7, lines 62-67; col. 8, lines 1-5 and col. 12, lines 40-56).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2-4, 6-8, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (U.S. Pat. No. RE36510) in view of Beaudoin et al. (U.S. Pat. No. 6047250).

Burns teaches a method, system and a computer program that include the subject matter discussed above except that: steps (a) through (d) are repeated until service of each port on a vehicle is complete; a horn is actuated by the signal to validate selection of the port as the intended port; the signal causes the sounding of an alarm, the alarm warning of improper distribution of the product.

Burns teaches one repeating the said steps to deliver various types of fluid to a plurality of customer vehicles (Fig. 1 and col. 6, lines 47-67; col. 11, lines 3-14 and col. 12, lines 5-39). In view of the teaching of Burns, one having ordinary skill in the art would be able to apply the same technique to carry out the method for a plurality of ports on one vehicle. The mere application of a known method to a different group of instances by those skilled in the art would have been obvious.

Burns teaches one using a series of beeps to validate selection of the port as the intended port (col. 11, lines 26-41). On the other hand, Beaudoin et al. teach a horn controlling means for controlling the horn of the customer vehicle, and making a sound, whenever needed in monitoring fluid distribution for heavy duty vehicles, by use of the horn controller (col. 7, lines 5-6 and col. 9, lines 1-17). It would have been obvious to include the teaching of Beaudoin horn controller in the Burns system in order to provide a better means for making a warning sound in validating the selection of the port.

The system, taught by Beaudoin et al., for monitoring fluid distribution for heavy duty vehicles further teach that: a horn is actuated by the signal to validate selection of the port as the intended port (col. 7, lines 5-6 and col. 9, lines 1-17); and the signal causes the sounding of an alarm, the alarm warning of improper distribution of the product (col. 7, lines 5-6 and col. 9, lines 1-17). It would have been obvious to include the teaching of Beaudoin horn controller and warning means in the Burns system in order to verify distribution of proper fluid to the appropriate port on a customer vehicle.

5. Claims 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (U.S. Pat. No. RE36510) in view of Beaudoin et al. (U.S. Pat. No. 6047250).

Burns further teaches an apparatus and method for passively monitoring the servicing of a vehicle during distribution of fluid products to fill ports (or tanks) on the vehicle (see abstract; col. 1, lines 13-24; col. 7, lines 62-67 and col. 8, lines 1-5), comprising: a port identifying means associated with each port/tank on a vehicle to be serviced, said identifying means containing port/tank data relating to the identity of the vehicle and the identity of the port (Fig. 1; col. 6, lines 13-28, lines 38-67; col. 8, lines 61-67; col. 9, lines 1-13 and col. 10, lines 58-67); reader means for reading said port data and downloading same to an on-board computer (Fig. 1; col. 6, lines 13-28, lines 38-67; col. 8, lines 61-67 and col. 9, lines 1-13); flow monitoring and controlling means associated with said on-board computer and the source of each fluid to be distributed and operative to generate flow data indicating the fluid source, the type of fluid to be dispensed from said

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fluid source, and the volume of fluid actually dispensed from said fluid source (col. 5, lines 56-67; col. 6, lines 1-13, lines 47-67; col. 7, lines 1-5; col. 10, lines 42-57; col. 11, lines 60-67 and col. 12, lines 1-4); and means for producing a record of said port data, said flow data (col. 7, lines 62-67; col. 8, lines 1-5 and col. 12, lines 40-56). Burns further teaches that: said identifying means further contains port data relating to the type of material to be distributed to the port (col. 6, lines 13-28 and col. 8, lines 31-60); the flow monitoring means includes Delivery Lists identifying the type of material to be put into a particular port (col. 6, lines 13-37; col. 9, lines 63-67 and col. 10, lines 13-57); means for determining the location of said vehicle to be serviced and the time of servicing, and for reporting same to said means for producing a record whereby such location is included in said record (col. 6, lines 29-4 and col. 12, lines 5-31); said reader means is operative to generate operator data identifying the operator responsible for servicing said vehicle, and to transmit said operator data to said receiver (col. 5, lines 28-67 and col. 6, lines 1-13); said reader means is operative to generate operator data identifying the operator responsible for servicing said vehicle and for transmitting said operator data to said receiver.

Burns does not mention that: means for transmitting said port data to a remote receiver; means for comparing said port data to said flow data and operative to generate an alarm in the event that any aspect of said port data is incompatible with any aspect of said flow data; means for producing a record of said port data, said flow data and the fact that an alarm was generated; use of lookup table to store the data about the type of material to be put into a particular

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port; use of an array of organized indicators and associated set of code terms to uniquely identify said vehicle, said port and said type of material to be distributed to said port.

Beaudoin et al., disclose a system for monitoring fluid distribution for heavy duty vehicles and teach: means for transmitting the tank identifying data collected from a handheld data terminal to a remote receiver mounted to a customer heavy duty vehicle (see abstract; col. 3, lines 24-50 and col. 8, lines 50-58); means for comparing said tank identifying data to flow data and operative to generate an alarm in the event that any aspect of said tank data is incompatible with any aspect of said flow data (col. 9, lines 1-17); means for producing a record of said tank data, said flow data and the fact that an alarm was generated (col. 8, lines 59-67 and col. 9, lines 1-30).

It would have been obvious to include the teachings of Beaudoin data communication mechanism, alarm generation mechanism, and job logging mechanism in the Burns system in order to provide the operator with an efficient way to communicate with the remote receiver, and to provide a means for logging the operation of the system more effectively.

It is deemed that a data structure such as a lookup table is well known in the art. It would have been obvious to use a lookup table for storing well organized and repetitive data records about the type of products to be distributed in order to facilitate the retrieval of the stored data for monitoring the delivery of fluids to a customer vehicle.

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It is further deemed that said array of organized indicators and said associated set of code terms are equivalent to the key fields and the primary key which makes a row of data unique and identifiable in a relational database table. It would have been obvious to apply a primary key constraint to said lookup table in order to uniquely identify each row of stored data about said vehicle, said port and said type of material to be distributed to said port. The mere application of a known technique to a specific instance by those skilled in the art would have been obvious and is within the level of ordinary skill in the art.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (703)305-3467. The examiner can normally be reached from 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten can be reached on (703)308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5841 for regular communications and (703)308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

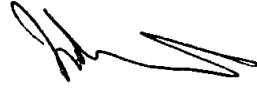
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September 23, 2002



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